

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and

HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO : 4889 of 2004

Between:

S.Amarnath, S/o.S.Ramachandra Naidu,
D.No.19-7-19A, D.R.Mahal Road,
Tirupathi.

..... PETITIONER

AND

1. The South Central Railway, rep.by its G.M.,
Rail Nilayam, Secunderabad.
- 2 The Divisional Railway Manager (Works), South Central
Railway, Tirupathi.
- 3 The Tirupati Urban Development Authority, rep.by its
Vice Chairman, Tirupati.
- 4 The Commissioner,tirupathi Municipality, Tirupathi,
Chittoor Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction, more particularly a writ in the nature of Mandamus, declaring the action of the respondents in trying to close down the road which is being used by the petitioner and the local residents for their ingress and egress without giving any notice or following the due process of law as being illegal, arbitrary, violative of articles 21, and 300-A of the Constitution of India and consequently direct the respondents not to close the road which is on the western side of the business premises of the petitioner.

Counsel for the Petitioner:MR.MEHERCHAND NOORI

Counsel for the Respondents 1 & 2: MR.S.S.VARMA, S.C. for Railways.

Counsel for the respondent No.3: Mr. K. Bathi Reddy.

Counsel for the respondent No.4: None appeared.

The Court made the following :

ORAL ORDER:

(Per Hon'ble The Chief Justice)

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1 . Petitioner owns business premises bearing D.No.19-7-19A, D.R. Mahal Road, Tirupathi. The property is situated to the west of the Second Choultry Road abutting the same. D.R. Mahal road is stated to be a busy thoroughfare leading to the AIR bypass road with the well developed sanitation and road dividers. Petitioner's case is that D.R. Mahal road is the only source of ingress and egress to his property. His further grievance is that second respondent prepared plans to construct railway under bridge and started digging trenches and the petitioner felt that respondents were not heeding to his request made along with others who are solely dependent on D.R. Mahal Road for ingress and egress and thus filed this writ petition for appropriate directions.

2. On 10.04.2004 Deputy Chief Engineer/Gauge Conversion, South Central Railway, Tirupathi, has filed counter affidavit stating that petitioner is having approach from AIR bypass road. The excavated trenches are away from the petitioner's site and ingress and egress to the petitioner's site is not affected. The approach road will not be closed. It is stated that the approach work has to be done by Municipality and in case Municipality feels that sufficient width on the road is not available, it is for the Municipality to acquire private land or Railway land to provide appropriate pathway and that even without acquiring the railway land, 4.8 meter road can be provided for private buildings

adjacent to railway under bridge after completion of railway under bridge work.

3 . We take on record the affidavit of respondents 1 and 2. In view of the affidavit in reply and the undertaking of the respondents that no hindrance will be caused for free ingress and egress to the petitioner's property, the writ petition is dismissed. No costs.

DEVINDER GUPTA. C.J.,

C.V. RAMULU. J.,

Dated: 23.08.2004.

VRK.

To

1. The General Manager, South Central Railway,
Rail Nilayam, Secunderabad.
- 2 The Divisional Railway Manager (Works), South Central
Railway, Tirupathi.
- 3 The Vice Chairman, Tirupathi Urban Development
Authority, Tirupathi.
- 4 The Commissioner, Tirupathi Municipality, Tirupathi,
Chittoor Dist.
5. Two CD copies.

**HON'BLE SRI DEVINDER GUPTA,
CHIEF JUSTICE
AND
HON'BLE SRI JUSTICE C.V. RAMULU.**

W.P.NO. 4889 OF 2004.

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**(Order of the Bench delivered by
Hon'ble The Chief Justice)**

Dt: 23.08.2004.

